

Count I: Disability Discrimination

8. Brzowski was an employee of EdisonLearning from August 31, 2015¹ to June 2016.

9. Brzowski was a Social Science Teacher at Magic Johnson Bridgescape Center at Brainerd.

10. Brzowski was qualified for the position and was able to perform its essential functions.

11. In late January 2016, Brzowski became ill, and his last day worked was near the end of that month.

12. Brzowski was suffering from extreme fatigue and lethargy; and his condition substantially impaired his ability to walk and to perform other major life activities.

13. Brzowski was misdiagnosed with anxiety and depression at first. However, in April 2016, he was properly diagnosed with aortic insufficiency (a.k.a. aortic regurgitation), a heart valve disease in which the aortic valve does not close tightly.

14. This condition required heart surgery.

15. Defendant was aware of Brzowski's impairments.

16. From January 2016 through May 2016, Brzowski requested a reasonable accommodation—to have time off from work.

17. In late May 2016, after his heart surgery, he told his boss he intended to return to work the next school year (which would begin August 2016). In response, she told him she thought he had been fired already.

18. On June 6, 2016, a termination letter was apparently drafted by an HR employee in New Jersey, though this letter was not sent to Brzowski until August 9, 2016.

¹ He was hired in January 2015, but Brainerd did not open for students in February 2015 as planned.

19. By firing Brzozowski and engaging in no interactive process regarding his request for time off (such as by warning him when his protected leave would end or when they would need to fill his position), EdisonLearning violated the ADA: the company failed to provide him with a reasonable accommodation and then terminated him based on his disability—as that term is defined in the ADA (whether actual, perceived, or record of).

20. Brzozowski has been harmed by Defendant's violations: he has lost wages and benefits, lost earning power, and suffered emotional distress.

21. Defendant's conduct was in reckless disregard of Plaintiff's rights. Therefore, Brzozowski requests punitive damages to punish the company and to deter it and other companies from engaging in similar discriminatory conduct in the future.

22. Brzozowski had to retain an attorney to vindicate the violation of his rights. Accordingly, he requests payment of attorney's fees should he prevail.

Jury Demand

23. Brzozowski demands trial by jury.

WHEREFORE Plaintiff, Edward Brzozowski, requests that Defendant, EdisonLearning, Inc., be found liable; that judgment be entered against it; and that the company be ordered to pay to him back pay, compensatory damages, punitive damages, attorney's fees, and costs.

DATE: 8/17/17

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